

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Harry D. Leinenweber	Sitting Judge if Other than Assigned Judge	
<b>CASE NUMBER</b>	10 C 5627	<b>DATE</b>	7/17/2012
<b>CASE TITLE</b>	Midwest Fence vs. U.S. Dept. Of Transportation et al.		

## DOCKET ENTRY TEXT

Motion hearing held. Plaintiff's motion [Dkt. No. 206] to join third-party's motion to quash is denied as moot. Plaintiff's motion to reconsider [Dkt. No. 206] is denied. As stated in open court, federal Defendants' motion for a protective order [Dkt. No. 191] is granted. Federal Defendants' motion for protective order [Dkt. No. 198] is withdrawn. Plaintiff's motion to amend [Dkt. No. 212] is granted. Plaintiff's oral motion to compel production of copies of subpoenas and to designate certain documents as confidential is denied without prejudice.

■ [ For further details see text below.]

Docketing to mail notices.

## STATEMENT

The Court has reviewed Plaintiff's motion for reconsideration [Dkt. No. 197] and still finds that the third parties are capable of protecting their own interests and no significant new arguments have been advanced. The motion is denied.

The parties represented in open Court on 7/17/12 that third-party deponent IHC Construction has withdrawn its motion to quash [Dkt. No. 202]. Therefore, Plaintiff's motion [Dkt No. 197] to join IHC's motion is denied as moot.

As stated in open court, the federal Defendants' motion for a protective order per the deliberative process privilege [Dkt. No. 191] is granted. Plaintiffs are still free to raise issues with specific documents.

The federal Defendants also represented in open Court that they do not object to Plaintiff engaging in both fact and expert discovery when it deposes federal Defendant's expert witness Dr. Wainwright after submitting his expert report to Plaintiff. The federal Defendants therefore withdraw their motion for a protective order [Dkt. No. 198] in regards to the deposition of Dr. Wainwright. The Court will allow fact discovery in regards to this witness to occur after the close of fact discovery.

As stated in open Court, Plaintiff's motion to amend the complaint [Dkt. No. 212] is granted.

Plaintiff's oral motion to compel Tollway Defendants to produce copies of subpoenas and to designate certain documents as confidential is denied without prejudice. The parties have represented in open court that they can reach an agreement on these matters. Plaintiff is free to renew the motion in writing if agreement is not reached.

Courtroom Deputy  
Initials:

WAP